Commerce as the New Paradigm for Peace in the Middle East The Arab-Israeli relations

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1. Israel and International Affairs

As soon as David Ben-Gurion, who was at the time the chairman of the Jewish Agency, proclaimed the creation of the State of Israel, on May 14, 1948, the Arab world decided to wage war against this newly created state that was supposed to be a safe haven for Jews, who had just recently gone through the horrors of the Second World War.[1] Already during this ceremony that took place in the Tel Aviv Museum, the rumble of guns could be heard from the skirmishing that broke out between Arabs and Jews, since also the British army had withdrawn earlier that day. After reading the proclamation of independence, Ben-Gurion was the first one to also put his signature under this document, but not all the members of the national council could arrive in time for signing the proclamation. Eleven of the members were stuck in the besieged Jerusalem. The Arabs had decided to wage war against Israel. In so doing, on the same evening, Egypt conducted air raids, while on the same day, President Truman recognized the provisional Jewish government, albeit only *de facto* because the *de jure* recognition came about eight months later, on January 31, 1949.[2] King Abdullah I of Jordan asked the Arab Legion, while also being its commander, to intervene while, at the same time, he deployed his own troops, accompanied by a military coalition of Arab states, into East Jerusalem in order to fight the Israeli forces.[3] This resulted in the split of the city in East and West Jerusalem, each being respectively under the control of Jordan and Israel. Arabs plundered the Jewish Quarter of the city after the forced expulsion of its Jewish inhabitants. This was the First Arab-Israeli War. In this and the following wars, other Arab countries, such as Yemen, Saudi Arabia and Lebanon, had their fair share.

However, it should not be forgotten that the hostilities had already started about a year earlier, on November 29, 1947, when the United Nations General Assembly had adopted a resolution on a plan of partition of the British Mandate into two states. The Arab League had rejected this plan and had already deployed the Arab Liberation Army that imposed blockades on the Jewish residents of Jerusalem.[4] Just one day before the proclamation of independence, on May 13th, the Arab Legion had massacred the Jewish residents of Kfar Etzion.[5] The atrocities were, however, reciprocal, for every war result in innocent civilian victims. The 1948 war finally ended

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[1] Myra Immell, *The Creation of the State of Israel* (New York: Greenhaven Press, 2010), 177.
[2] Priscilla Roberts, *Arab-Israeli Conflict: The Essential Reference Guide* (Santa Barbara: ABC-CLIO, 2014), 266. Khalil T. Azar, *American Foreign Policy & Its' Link to Terrorism in the Middle East* (Bloomington: AuthorHouse, 2011), 18.
[3] P. R. Kumaraswamy, *Historical Dictionary of the Arab-Israeli Conflict* (Lanham: Rowman & Littlefield, 2015), 52. Steve Posner, *Israel Undercover: Secret Warfare and Hidden Diplomacy in the Middle East* (New York: Syracuse University Press, 1987), 159.
[4] Nitza Rosovsky, *In the Land of Israel: My Family, 1809-1949* (Cambridge: Tide Pool Press, 2012), 280.
[5] Ami Pedahzur, *The Triumph of Israel's Radical Right* (New York: Oxford University Press, 2012), 41, David K. Shipler, *Arab and Jew: Wounded Spirits in a Promised Land* (New York: Broadway Books, 2015), 43.

with a cease-fire brokered by the United Nations, but this did not mean the end of hostilities between the Arab world and the newly established State of Israel.

Between 1950s and 1960s, Arab insurgencies continued by, among others, the Palestinian Fedayeen, followed and accompanied by conflicts such as the Suez Crisis in 1956.[6] The next major blow, however, came with the Six-Day War in June 1967, which was fought between Egypt, Jordan and Syria on the one side and Israel on the other. Other Arab states, such as Kuwait, Algeria, Iraq and Saudi Arabia provided both military and financial assistance to the belligerent Arab states.[7] Subsequently, between 1967 and 1970 the War of Attrition took place between Israel, supported by some Western democracies, on the one hand, and Egypt, the USSR, Jordan, the Palestinian Liberation Organization (PLO) and Syria on the other.[8] Meanwhile, between 1971 and 1982, Palestinian insurgencies continued in the Southern Lebanon region.[9] This whereas, in October of 1973, the Yom Kippur War was fought between Israel and a coalition of Arab states.[10] In addition, in 1982, the first Lebanon War was waged with the aim to expel the PLO from the southern region of this country.[11] However, the conflict with Lebanon endured for a longer period of time, till the year 2000, against the Hezbollah militia, which is Iran's proxy. The second Lebanon War was fought in the summer of 2006.[12] Approximately two years later, between 2008 and 2009, Israel fought the Gaza War against the militia group Hamas. The second Gaza War took place in 2014 and lasted about a month.[13] Meanwhile, skirmishes and proxy wars continued against different militia groups that are, oftentimes, financed and supported by countries, such as the Islamic Republic of Iran.[14]

The foregoing brief elaboration of the wars and conflicts that Israel has gone through almost every single year conveys the impression that not peace, but war is the new normal in this

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[6] Shlomo Ben Ami and M. Cherif Bassiouni, *A Guide to Documents on the Arab-Palestinian/Israeli Conflict: 1897-2008* (Leiden: Brill, 2009), 27.

[7] Jeff Hay*, The Arab-Israeli Six-Day War* (Detroit: Greenhaven Press, 2012), 51. Tom Ruys, Olivier Corten, and Alexandra Hofer, *The Use of Force in International Law: A Case-Based Approach* (Oxford: Oxford University Press, 2018),189.

[8] Roland Dannreuther, *The Soviet Union and the PLO* (Basingstoke: Macmillan, 1997), 43. Vassilis K. Fouskas, *Politics of Conflict: A Survey* (London: Routledge, 2011), 123.

[9] Paul B. Rich and Isabelle Duyvesteyn, *The Routledge Handbook of Insurgency and Counterinsurgency* (Abingdon: Routledge, 2012), 266.

[10] Hela Crown-Tamir, *Israel, History in a Nutshell: Highlighting the Wars and Military History* (Jerusalem: TsurTsina Publications, 2012), 130. Daniel Baracskay, *The Palestine Liberation Organization: Terrorism and Prospects for Peace in the Holy Land* (Santa Barbara: Praeger, 2011), 113.

[11] Robert Eisen, *Religious Zionism, Jewish Law, and the Morality of War: How Five Rabbis Confronted One of Modern Judaism's Greatest Challenges* (New York: Oxford University Press, 2017), 254.

[12] Scott C. Farquhar, *Back to Basics: A Study of the Second Lebanon War and Operation Cast Lead* (Leavenworth country: Combat Studies Institute Press, 2009), 119.

[13] Zaki Shalom*, Israel, the United States, and the War against Hamas, July-August 2014 the Special Relationship Under Scrutiny* (Portland: Sussex Academic Press, 2019), 22. Barry Turner, Daniel Barredo and Steven James Grattan, *Reporting from the Wars 1850 - 2015: The Origins and Evolution of the War Correspondent* (Wilmington: Vernon Press, 2019), 183.

[14] Ofira Seliktar and Farhad Rezaei, *Iran, Revolution, and Proxy Wars* (Cham: Palgrave Macmillan, 2020), 79.

region, that has gone through much more wars, such as the First and the Second Gulf War and the US invasion of Iraq in 2003, just to name a few major battles. In other words, it seems as if in the Middle East – especially in the case of Israel – the 'state of war' is still the normal state of affairs. Therefore, we can ponder whether it is not better to replace the idea of war altogether with another concept that would be more susceptible of fostering peace. Thence, the hypothesis put to test concerns precisely this idea that 'commerce' might be the solution to a perpetual peace in the Middle East in general and for Israel in particular. Consequently, the central question of our research becomes as *to what extent is commerce a viable paradigm susceptible of replacing the warfare paradigm for achieving and attaining a feasible and perpetual peace in the Middle East in general and for Israel and its neighbors in particular*?

For answering this central question, we need to split is into the following sub-questions, that will undergird the remaining chapter of this thesis:

1) What does the warfare paradigm entail in general and in the case of Israel in particular?

2) To what extent is it possible to supersede the entrapment in the vicious circle of the warfare paradigm?

3) What does the concept of 'commerce' entail in its political sense, as the possible alternative to the concept of 'war'?

4) How far is 'commerce' empirically a viable and feasible paradigm for the relationship between the states in the Middle East?

5) What form and level of regional cooperation best incorporates the concept of 'commerce' as the foundational paradigm for a peaceful (co)existence with the states involved?

The first three questions are theoretical in nature and will be investigated through an analysis of different doctrines, histories and philosophies. The last two questions are empirical in nature and will be scrutinized and studied through a comparative case study. Consequently, this leads to the following structure of the present thesis. The first question regarding the meaning and the scope of the warfare paradigm will be discussed in paragraph 1.1, while the second question regarding the entrapment within this paradigm and a possible way out of its vicious circle will be scrutinized in paragraph 1.2. The alternative way forward, which is the concern of our third question, will be the subject of paragraph 1.3 of the first chapter. After arriving at an answer regarding the possibility of transcending the warfare paradigm, through our fourth question, an attempt will be made to assess the *de facto* viability and feasibility of a new paradigm within the context of the Middle East. This inquiry will be conducted in paragraph 2.1 of the second chapter of this thesis. The fifth, and therewith the final, question of this research regarding the form and level of regional cooperation will be assessed and answered in paragraphs 2.2 and 2.3. Finally, in

chapter 3, a conclusion will be drawn through which an answer will be given to our central question accompanied with some critical observations and recommendations.

1.1.   The 'State of War' vs. the 'State of Peace'

When we study the situation of Israel within its historical context, as we have done above, we can see that this country has been in a constant state of war. This is why it is a rather militarized country, with a compulsory conscription for both men and women which endures till late age as reservists. There is always a constant sense of fear and a potential chance of attacks in this country, be it through rocket rains or terrorist knife attacks. Insurgencies in any form, be it potential threat by countries like Iran that want to 'wipe this country off the map'[15] till lone wolf attacks, are a daily reality. Not to mention the military camps of the Islamic Republic of Iran and its proxies in Israel's neighboring counties. With this in mind, in the previous paragraph the proposition was put forth that Israel lives in a constant state of war, despite the fact that in modern times, the world affairs are characterized by a state of peace, with war as an exception to it. What these paradigms entail and to what extent such propositions are applicable to Israel will be discussed in the following paragraphs of this chapter. In doing so, we will answer our first sub-question as to *what does the warfare paradigm entail in general and in the case of Israel in particular*?

1.1.1.   The War Paradigm: in a Historical Perspective

It is worthwhile to note, from the very outset, that the 'state of war' and the 'state of peace' are the two sides of the same coin, for both are used to label the world affairs in terms of either war or peace. War and peace are each other's antonyms and, therefore, this dichotomy can be brought under a single umbrella that we call the 'war paradigm'. By putting this in a broader historical perspective, we can observe that, since time immemorial, war has been an inevitable part of human life. It is idealistic, if not naïve, to imagine a world without wars. Therefore, in the course of human history, it has not been the phenomenon of war as such that has been the problem, which philosophers have tried to come to terms with, but rather the justification of it, indicated as the 'just war' and also called the '*bellum iustum*'.[16] Although war contains violence capable of resulting in death, it has still to be distinguished from other acts of violence in our social life. What characterizes war in this regard is, firstly, the collective and public character of it. Secondly, it is always directed against foreign states or political entities. Thirdly, it is governed by certain rules for

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[15] Trita Parsi, *Treacherous Alliance the Secret Dealings of Israel, Iran, and the United States* (New Haven: Yale University Press, 2007), 285.
[16] Claude Eilers (ed.), *Diplomats and Diplomacy in the Roman World* (Leiden: Brill, 2009), 19.

being justifiable. Finally, it is defined on the basis of a boundary between times of war and non-war. These traits of war can be said to be applicable to this phenomenon throughout history, albeit that the emphasis within each trait has been mutable and has been shifted depending on the time and the context in which it has been waged. To clarify this, it is imperative to go through the historical and intellectual evolution of this phenomenon.

Many theories have been developed during each era, whereby theoreticians of that period have tried to justify war by developing and inventing moral grounds for it. A survey through all these theories brings the following criteria to the fore based on which war is justified. One criterion concerns the justification needed prior to waging war, which is called the '*ius ad bellum*'.[17] This is the justification or the right to go to war. Another criterion concerns the right or the just conduct within and during the war itself. This is denoted by the notion of '*ius in bello*'.[18] Justifications of war have been needed to exculpate a guilty conscience. While taking another person's life under normal circumstances in our social life is considered to be murder susceptible to punishment, killing during war time is considered to be justified. Each civilization and religion has some sort of theory on when war is justified. In the Western legal tradition, just war theories stem from the Christian doctrines followed by the humanist theories. By the nineteenth century, the just war tradition was an established reality that underpinned the Hague Peace Conferences of 1899 and 1907, resulting in the foundation of the League of Nations in 1920. Although the creation of multilateral organizations has had the purpose of fostering dialogue among nations in the hope to prevent war, statemen have always understood war to be an inevitable fact of life. This is why simultaneously with the creation of such organizations, they have also tried to enact rules for the conduct of war, such as the Lieber Code and, later, the Geneva Conventions. The just war paradigm, together with the rules and norms developed in its wake, still hold ground in our postmodern epoch. How the evolution of this paradigm has taken place, is what we will briefly investigate below.

Starting with the antiquity, we can discern that war was a natural occurrence and peace was rather a conscious act based on a (social) contract between two belligerent groups: one internal community and one external community.[19] During this epoch, the state of nature was equal to a state of war, that is, the normal situation was a constant war, unless the empires and groups involved decided to make peace. For instance, the war between the Persian Empire and the Roman Empire prolonged for seven hundred years. Their relationship was only characterized by short periods of peace that were brought about only when a peace treaty was signed between them. The

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[17] Noam Lubell, *Extraterritorial Use of Force Against Non-State Actors* (Oxford: Oxford University Press, 2010), 8.
[18] Charles Guthrie and Michael Quinlan, *Just War: The Just War Tradition: Ethics in Modern Warfare* (New York: Walker & Company, 2007), 11-15.
[19] The notion of 'social contract' in this senesce has not to be understood in terms of the social contract philosophy, but only as a contract based on the societal agreement between the group involved in the conflict concerned.

state of peace ended, however, as soon as the treaty terminated, for example, due to the death of an emperor or the ascendence to the thrown by another one.[20] Hence, in the ancient world, war was the constant feature of the political landscape and peace was not seen as a normal human condition. Peace could only be brought about by means of a *pactum* (treaty). This natural occurrence of war, which is called the 'state of war' is what philosophers, such as Niccolò Machiavelli and Thomas Hobbes, had in mind when they developed their theories based on a state of nature.[21] By way of example, Machiavelli stated that "you must know that there are two ways of contesting, the one by law, the other by force; the first method is proper to men, the second to beasts; but because the first is frequently not sufficient, it is necessary to have recourse to the second".[22] In a similar fashion, Hobbes states: "hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre, and such a Warre, as if of every man, against every man. […] and which is worst of all, continue fear, and danger of violent death; And the life of man, solitary, poor, nasty, brutish, and short".[23] The state of nature is considered to be a condition of perpetual strife, with peace, rather than war, as the exceptional state of affairs.[24] Although these philosophies are hypothetical in nature, still they are a good example for showing the influence of the idea that war is primarily considered to be the normal state of being, with peace being an exception to it that could be brought about through a *pax*.

At a given moment in history, a shift in thought took place whereby peace became the natural state of being and war became unnatural. Some estimate this shift in paradigm to have occurred around the year 500 B.C., despite the fact that *de facto* war still tended to be the constant factor.[25] For justifying this discrepancy, the argument is put forth that a strive for peace is always ongoing. Another argument used in this regard is that with this shift, war became a legal phenomenon and, therefore, it required justification.[26] This way, war was confined to a clearly delineated period of time with a beginning and an end, in the course of which two main sets of laws were applicable: the law to wage war (*ius ad bellum*) and the law applicable for during the war (*ius in bello*). However, one can contest that the legalization and justification of war as such

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[20] Gerard Russell, *Heirs to Forgotten Kingdoms Journeys into the Disappearing Religions of the Middle East* (New York: Basic Books, 2014).

[21] John Baylis, Steve Smith and Patricia Owens, *The Globalization of World Politics* (New York: Oxford University Press, 2019), 133.

[22] Martin Hollis, *Models of Man Philosophical Thoughts on Social Action* (Cambridge, United Kingdom: Cambridge University Press, 2015), 101.

[23] Patricia Springborg, *The Cambridge Companion to Hobbes's Leviathan* (Cambridge: Cambridge University Press, 2007), 110.

[24] Stephen C. Neff, *War and the Law of Nations: A General History* (Cambridge: Cambridge University Press, 2008), 132.

[25] Ibid, 7-39.

[26] Ibid., 396.

necessarily entails a shift in thought, especially when one acknowledges that peace needs to be constantly strived for. Instead, we can argue that this shift in paradigm took place with the rise and manifestation of Christianity. The idea fostered by this religion was originally that of a universal peace. Therefore, the Christian philosophers and church fathers struggled to find a justification for war.[27] This became especially problematic and challenging during the crusades, that is, the religious wars that were waged against Muslims. The same goes for the Islamic society, that based its justification of war on its religious concepts. In Islam, the state of peace was only applicable to the Islamic realm (*dar al Islam*). Anything outside the Islamic territory was subject to (constant) war (*dar al harb*).[28] What is more, in this context and during this period, war became more ideological and theological. Hereby, 'just' was not only a legal concept but one with a moral (religious) interpretation. Within both realms, albeit with some difference, a state of peace was in general conceptually and theoretically the normal state of affairs and the state of war was only applicable to what fell outside the realm concerned. Therefore, we can discern a shift in paradigm since this period, but still not a radical one from a 'state of war' directly to a 'state of peace'. In contrast, this period can be characterized by a gradual shift in paradigm as being a quasi-state, whereby the 'state of peace' was confined to the internal realm and the 'state of war' was still applicable to the external realm.

A similar shift in thought took place in the transition from the medieval era to the modern times. As early as the Fourteenth and the Fifteenth centuries philosophers developed more rational concepts and criteria for justifying war. This transition has to be comprehended within the context of the rise of humanism and the renaissance. The main criteria were those of necessity and proportionality, which are still applicable. The scope of these principles encompassed the need of a proportionate response to an immediate danger, the recapture of what is done, whereby also pre-emptive war might be allowed. In this regard, we can refer to Francisco de Vitoria (1480-1546) who argued that "care must be taken to ensure that the evil effects of the war do not outweigh the possible benefits sought by waging it. If the storming of a fortress or town garrisoned by the enemy but full of innocent inhabitants is not of great importance for eventual victory in the war, it does

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[27] Augustine of Hippo (354-430) introduced the concept of *Civitate Mundi* encompassing *'Pax est tranquillitas ordinis omnium rerum'*, which means that when peace is broken, God's will is broken. The goal was then to restore order and to defend faith by letting the sinner to pay. In other words, *'It is the injustice of the opposing side that lays on the wise man the duty of waging wars'* in Kim Paffenroth, Kevin L. Hughes and John Doody, *Augustine and Politics* (Oxford: Lexington Books, 2005), 123. Also Thomas Aquinas (1223-1274) bestowed some though on this notion by stating *"a war that avenges a wrong, when a nation or state had to be punished for refusing to make amends or to restore what it has seized unjustly"*, in Breen Margaret Sönser, *Understanding Evil: An Interdisciplinary Approach* (Amsterdam: Rodopi, 2003), 96.

[28] John L. Esposito, *The Oxford Dictionary of Islam* (New York: Oxford University Press, 2004), 62. Giuliano Lancioni and Giovanna Calasso, *Dār Al-Islām / Dār Al-Ḥarb Territories, People, Identities* (Leiden: Brill, 2017), 344.

not seem to me permissible to kill a large number of innocent people by indiscriminate bombardment in order to defeat a small number of enemy combatants".[29]

Against the background of developments such as the Age of Discoveries, the Reformation and the collapse of the *Respublica Christiana*, and, subsequently, the formation of (sovereign) nation-states, another shift in thought took place. In this, the emphasis was put on the notion of sovereignty, whereby a distinction was made between the 'external' (*superiorem non recognoscens*) and the 'internal' sovereignty (the monopolization of state power, including warfare). As regards to the definition of the concept of 'sovereign(ty)', we can refer to the father of international law, Hugo Grotius, who states that "that power is called sovereign whose actions are not subject to the legal control of another, so that they cannot be rendered void by the operation of another human will […]. The subject of a power is either common or special. Just as the body is a common, the eye is a special".[30] What is more, in modern times, war is based less on convictions and more on interest. As Samuel von Pufendorf puts it, war can be described as "the advantage of human interests to make a kind of business of war and to reduce it into the form of an art.[31]

Characteristic for our post-modern times is that the Grotius' tradition is placed between the Hobbesian and the Kantian tradition[32], meaning that the absolute sovereignty of 19th-Century becomes a relative sovereignty in the 20th-Century, which is thus another shift in thought. The Hobbesian view takes the salient fact of international relations to be that of conflict among states within the international anarchy, while the Kantian view considers this reality to be that of the transience of the international anarchy and the availability of materials with which it can be replaced it.[33] In contrast, the Grotian approach entails that the freedom of states is restricted by legally binding rules that transcend the will of the state. Such legal rules, which are still based on the Grotian approach, are currently encompassed in the international legal instruments. Hence, if we agree that peace is the normal condition of human affairs, then, when peace is breached, according to Article 51 of the UN Charter, the violation has immediately to be escalated to the Security Council and it has to be terminated when the Security Council has taken measures. In other words, according to the rules of international law, a member of the United Nations has the

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[29] Howard M. Hensel, *The Prism of Just War Asian and Western Perspectives on the Legitimate Use of Military Force* (Florence: Taylor and Francis, 2016), 59.

[30] Hugo Grotius and Stephen C. Neff, *Hugo Grotius on the Law of War and Peace* (Cambridge: Cambridge University press, 2012), 51.

[31] Stephen C. Neff, *War and the Law of Nations: A General History* (Cambridge: Cambridge University Press, 2008), 83.

[32] Randall Lesaffer, "The Grotian Tradition Revisited: Change and Continuity in the History of International Law," *British Yearbook of International Law* 73, no. 1 (November 2002): 103–139.

[33] Herbert Butterfield and Martin Wight, *Diplomatic Investigations: Essays in the Theory of International Politics* (Oxford: Oxford University Press, 2019), 58.

right of individual or collective self-defense,[34] until the Security Council has taken measures, which are deemed necessary to maintain international peace and security.

What we can discern from this Charter is that the essence of international law and relations is still grounded on the warfare paradigm, albeit with an emphasis on 'peace' as the normal state of affairs. This means that the state of peace is the accepted normal state within the international relations and that any deviation from it needs to comply with the laws of war. Hence, international law is designed on the basis of the contrast between 'war' and 'peace'. This makes that it is still grounded on the warfare paradigm, albeit that the emphasis is put on 'peace' and not on 'war' as the normal state of affairs. By putting this into the philosophical perspective provided above, the role of the UN can be understood in terms of the philosophy of Immanuel Kant, according to whom eternal peace is only possible by a world state organization. Peace is, in this regard, only possible by creating a globe-state and bringing all nations under a world governance. Accordingly, the 'just' case is nothing but a reaction to injustice and enforcement of rights in order to attain 'just' peace. Yet, war is the natural condition of independent states, because the "division of mankind into separate and independent nation-states constitutes, in itself, a sort of permanent state of war".[35] This shows thus that the current war paradigm is rather controversial, because this approach can raise questions as to what law can be said to be common to both parties involved in a conflict, if either of them would not accept rules prescribed by the international legal instruments. Another question is as to who has the authority to decide upon the question which party is just and which unjust, especially when the 'just' side would benefit from the laws of war (*Iura Belli, Iura Armorum*). Some even consider this latter situation as the imposition of the 'victor's justice'.[36]

For instance, war waged by one country against another can be labelled as 'a war of aggression', but the question is who has the authority to decide upon this question. This is already evident from the definition given to this notion. According to the GA Resolution 3314 'a war of aggression' 'is a crime against international peace'. But neither aggression nor a war of aggression can be justified by any consideration of whatever nature, including self-defense, and it is considered to be, according to customary international law, a crime against peace. The chief U.S. prosecutor in the Nuremberg trials, Supreme Court Justice Robert H. Jackson, called the waging of aggressive war "essentially an evil thing [which is] not only an international crime; [but] the supreme

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[34] UNSC Res 1368 (12 September 2001) UN S/RES/1368. UNSC Res 1373 (28 September 2001) UN S/RES/1373..

[35] Stephen C. Neff, *War and the Law of Nations: A General History* (Cambridge: Cambridge University Press, 2008), 137.

[36] James Meernik, "Victor's Justice or the Law? Judging and Punishing at the International Criminal Tribunal for the Former Yugoslavia," *The Journal of Conflict Resolution* 47, no. 2 (April 2003): 140-162.

international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole".[37]

Hence, our historical survey of the warfare paradigm has shown that the contemporary international law and relations are still vested on this paradigm, with the only difference that in the course of history a mere shift in emphasis has taken place from 'war' as the normal state of affairs to 'peace' as the normal state of affairs. The main example in which this reality is most vivid is the case of Israel, as we will elaborate upon hereafter in paragraph 1.1.2. The example of this state shows namely that we are not only still stuck in the vicious circle of the warfare paradigm, but that maintaining this paradigm will not result in a state of peace. Especially when existing data show that, globally, state-based conflicts form the main constant and returning factor over the years.[38] By putting this reality into a broader global perspective, we can note that, since the Second World War, the number of wars has not decreased but even unprecedentedly increased.[39] All of this bears witness to the fact that the warfare paradigm is still the prevailing doctrine in the international relations.

1.1.2.   The War Paradigm & Israel

One of the most complex and sensitive areas characterized by continuous tension and conflicts has been the Middle East in general and Israel in particular. After the Second World War, the global division of power dramatically changed and this has had a profound effect on, among others, the Arab world. In the aftermath of the War, the United States (US) and the Soviet Union (U.S.S.R.) emerged as the two major powers and the Middle East became one of the main battlefields of the Cold War conflict between them. One important factor in this region, that had made these two powers to stand face to face with each other, was the creation of the State of Israel, albeit that in the beginning the U.S.S.R. did support the creation of Israel until 1960s. In this context, the Arab countries not only waged war on this newly established state, as we have discussed in the introductory part of this chapter, but they also used their oil as a political weapon[40] against the West as well.[41] However, we have to bear in mind that this region has always been more complex than just being the mere scenery of power struggles between the superpowers. For,

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[37] "Speeches - Robert H Jackson Center Archive," Robert H Jackson Center Speeches collection, accessed March 25, 2023, https://www.roberthjackson.org/collection/speeches/.

[38] "Global deaths in conflicts and one-sided violence, World, 1989 to 2020," Our World in Data, accessed March 15, 2023, https://ourworldindata.org/grapher/deaths-in-conflicts-and-one-sided-violence?country=~OWID_WRL.

[39] Kendra Dupuy and Siri Aas Rustad, "Trends in Armed Conflict, 1946–2017," *Oslo: PRIO, Conflict Trends* 5 (May 2018).

[40] Jack Caravelli, *Beyond Sand and Oil: The Nuclear Middle East* (Santa Barbara: Praeger Security International, 2011), 24.

[41] Avi Shlaim and William Roger Louis, *The 1967 Arab-Israeli War: Origins and Consequences* (Cambridge: Cambridge University Press, 2012).

besides being the backyard of external powers, there have also been internal factors that have shaped the destiny of this region. For instance, we can refer to the following occurrences in this region, that have been peculiar to it due to mainly internal ideologies and convictions: the emergence of (pan-)Arab nationalism[42] and Islamism.[43] This is why the collapse of the U.S.S.R., and the end of the Cold War did not automatically result in the termination of hostilities in the Middle East. To the contrary, the lack of stability in this region has continued to this very day and has gained even new features, that is, it not only concerns conflicts between the states in this region, but also the emergence of non-state actors, such as the ISIS, Taliban and Al Qaida.[44]

What is more, the countries in this region are facing different challenges, but new enmities are also emerging with the rise of militant and totalitarian states, such as Iran that finances regional terrorism. Over the last two decades, we have thus not only witnessed the emergence of terrorism in this region, but also the empowerment of other decades old terrorist organizations and rogue states that sponsor them, such as Hezbollah that is financed and supported by the Islamic Republic of Iran.[45] While the symmetric and asymmetric wars waged by and among these groups and states are based on the Islamic notion of just war,[46] the battles fought against them by the West are justified based on secular notions such as the defense of democracy and human rights.[47] Currently, this region is the most tumultuous region in the world[48], with numerous totalitarian regimes in charge and fundamentalist groups in power and empowered. For instance, Afghanistan is, again, in the hand of Taliban, the Islamic Republic of Iran is not only fostering an Islamist ideology in its internal affairs, but it is also exporting this both within this region to countries such as Iraq, Yemen, Lebanon, Palestinian territories, Syria, and Turkey, and beyond this region to Africa,[49]

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[42] Tawfic Farah, *Pan-Arabism and Arab Nationalism: The Continuing Debate* (Routledge, 2019).

[43] Tarek Osman, *Islamism: What It Means to the Middle East and the World* (New Haven: Yale University, 2016).

[44] Edward D. Last, *Strategic Culture and Violent Non-State Actors: A Comparative Study of Salafi-Jihadist Groups* (New York: Routledge, 2020). Oktav Ȯzden Zeynep, Parlar Emel Dal, and Kurşun Ali Murat, *Violent Non-State Actors and the Syrian Civil War: The Isis and YPG Cases* (Cham: Springer, 2018).

[45] Jeanne K. Giraldo and Harold A. Trinkunas, *Terrorism Financing and State Responses: A Comparative Perspective* (Stanford: Stanford University Press, 2007), 137.

[46] Georges Tamer and Thörner Katja, *The Concept of Just War in Judaism, Christianity and Islam* (Berlin: De Gruyter, 2021), 132.

[47] Mark Douglas, *Modernity, the Environment, and the Christian Just War Tradition* (Cambridge: Cambridge University Press, 2022), 264, 317.

[48] "State-based conflicts, 1946 to 2020," Our World in Data, accessed June 28, 2023, https://ourworldindata.org/grapher/the-number-of-active-state-based-conflicts?country=Middle+East~OWID_EUR~Asia+%26+Oceania~Americas~OWID_AFR.

[49] Amin Naeni, "Iran and Africa: Why Tehran will boost its ties with the continent under the Raisi administration," Middle East Institute, accessed March 15, 2023, https://www.mei.edu/publications/iran-and-africa-why-tehran-will-boost-its-ties-continent-under-raisi-administration

Europe[50] and Central and South America.[51] In addition, the nuclear ambitions of Iran are also pushing the neighboring countries towards a nuclear arms race in this region.[52]

For the sake of comprehension of the complexity of this new (modern) reality of warfare, we have to bestow some thought upon the fluctuating and dynamic notion of war itself. In so doing, we can distinguish the following five generations of warfare. The first generation concerns the ancient and post-classical warfare; the second generation has emerged in the wake of the invention of the rifled musket and other breech-loading weapons and machine guns; the third generation emphasizes the deployment of late modern technological tactics and speed, stealth and surprise which thus concerns the end of linear warfare; the fourth generation warfare is about the postmodern decentralized way of war, which blurs the line between civilians and combatants for the nation-states have lost their monopoly on violence.[53] This is the generation in which we have also witnessed the emergence of private paramilitary contractors and groups such as Wagner Group.[54] The fifth and, therewith, the last generation concerns the non-kinetic military operations, such as the conduct of cyberwarfare, the spread of mis- and disinformation and social engineering. In this phase, also modern technologies such as artificial intelligence and robotics are and will be used.[55] With this newly occurring generation of warfare in mind, the Middle East is in serious need of an alternative approach that would bring peace and stability to this region, particularly for Israel that has been under consistent existential threat.

It is in this context that we have to place and consider Israel within this complexity. As Uri Avnery once said, Israel is living in a 'perpetual state of war',[56] which we have also seen from a historical perspective in the beginning of this thesis. Accordingly, the historical events led us yonder to draw the conclusion that Israel has gone almost every single year through wars, which tends to confirm the assertion of Avnery. This also entails that "a fifth generation of Israelis and Palestinians has been born into the war, like their parents and teachers. Their whole mental outlook has been shaped by the war from earliest childhood. Every day of their lives, violence has dominated the daily news".[57] In this case, as Avnery has rightly argued, war becomes a state of

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[50] Andrew Rettman, "Iran blamed for four terror plots in EU," euobserver, accessed March 15, 2023, https://euobserver.com/world/143854.

[51] "State Sponsors of Terrorism: An Examination of Iran's Global Terrorism Network," Congress.gov, accessed March 15, 2023, https://www.congress.gov/event/115th-congress/house-event/108155/text.

[52] David S. Oualaalou, *Volatile State: Iran in the Nuclear Age* (Bloomington: Indiana University Press, 2018), 130.

[53] Alex P. Schmid, *The Routledge Handbook of Terrorism Research* (Oxon: Routledge, 2011), 167.

[54] Geoffrey S. Corn, Kenneth Watkin, and Jamie Williamson, *The Law in War: A Concise Overview* (Abingdon: Routledge, 2023), 144.

[55] Wolff Heintschel von Heinegg, Robert Frau and Tassilo Singer, *Dehumanization of Warfare Legal Implications of New Weapon Technologies* (Cham: Springer International Publishing, 2018), 20.

[56] Zehava Galon, "Missing Uri Avnery, a Warrior for Peace. If Only We Had Listened to You More," *Haaretz*, accessed March 25, 2023.

[57] Uri Avnery, "War Is a State of Mind," Outlook, accessed March 25, 2023.

mind and generations that are born during this period know nothing better and can even radicalize.[58] Rabbi Arik Ascherman, "a human rights activist, believes that the ongoing conflict has brought major psychological, spiritual, and political costs to Israeli Jews as well as to Palestinians".[59] Also in Israel's foreign affairs we can observe the predominance of the warfare paradigm, which even goes so far as to justify a possible preemptive war, which also some scholars, such as Alan Dershowitz, actively advocate.[60] Hence, Israel has always been maneuvering and operating within the framework of the warfare paradigm,[61] which has never led to any form of permanent peace for Israel and its citizens, who are either externally attacked by, e.g., rockets from Gaza or Lebanon or internally by terrorists who kill on a regular basis innocent civilians with knives or guns.

Accordingly, by considering the complex background of this region and the complexity of the notion of war as well as the fact that this region has one of the highest numbers of deaths in (non-)state-based conflicts,[62] we can infer that the warfare paradigm is not the solution for a region in which there have always been wars and conflicts. Subsequently, one may wonder whether a feasible solution can be thought of for bringing about peace and stability to this region. Peace in this region cannot be achieved through militarization or even nuclearization of the countries involved,[63] for (modern) war always results in (mass) destruction. Nor can one achieve peace through the imposition of Western ideology by means of military intervention, as history has time and over again proven the failure of this idea, like in Iraq[64] and in Afghanistan.[65] The essence of this strategic failure can be said to be vested in the Western warfare paradigm. Immanuel Kant had already imagined the possibility of perpetual peace, but the conditions that he had formulated have not proven to be effective[66] in achieving this philosophical, if not utopian, state of peace.[67] To sustain this argument, it suffices to remark that both the League of Nations and its successor, the

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[58] Uri Avnery, "Israel's Impending Civil War," London Review of Books, accessed March 25, 2023.
[59] Robert Hostetter, *Peacemakers in Israel-Palestine: Dialogues for a Just Peace* (Abingdon: Routledge, Taylor & Francis Group, 2023).
[60] Norman G. Finkelstein, *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History* (Berkeley: University of California Press, 2008).
[61] Benjamin S. Lambeth, "Israel's War in Gaza: A Paradigm of Effective Military Learning and Adaptation," Belfer Center for Science and International Affairs, accessed March 26, 2023.
[62] "Global deaths in conflicts and one-sided violence, World, 1989 to 2020," Our World in Data, accessed March 15, 2023, https://ourworldindata.org/grapher/deaths-in-conflicts-and-one-sided-violence?country=~OWID_WRL.
[63] Matthew Lee, "U.S. approves massive arms sale to Saudi Arabia, United Arab Emirates to counter Iran," *PBS News Hour*, accessed March 15, 2023, https://www.pbs.org/newshour/politics/u-s-approves-massive-arms-sale-to-saudi-arabia-united-arab-emirates-to-counter-iran
[64] Waleed Ibrahim, "Did U.S. troops bring democracy? Iraqis have doubts," Reuters, accessed March 15, 2023, https://www.reuters.com/article/us-iraq-usa-withdrawal-idUSTRE7AF0MY20111116.
[65] "The U.S. War in Afghanistan," Council on Foreign Relations, accessed March 15, 2023, https://www.cfr.org/timeline/us-war-afghanistan.
[66] Garrett J. Lawless, Philippe Constantineau and Ali Dizboni, *A Hermeneutic Analysis of Military Operations in Afghanistan* (New York: Palgrave Macmillan US, 2017), 68.
[67] Immanuel Kant, *To Perpetual Peace: A Philosophical Sketch* (Indianapolis: Hackett Publishing Company, 2003).

United Nations, can be said to have failed to maintain global peace and security[68] – two organizations that Immanuel Kant can be said to have envisioned with his writing on perpetual peace in which a league of nations had to guarantee and promote peace among states.[69]

If the warfare paradigm is not the answer, then, the question remains as to how Israel can move beyond the warfare paradigm and still achieve peace with its neighboring countries. The intention of Israel to achieve this goal is evident from the developments in the recent years, whereby peace treaties have been concluded with some of the formerly hostile states in this region.[70] These treaties are, however, limited in scope, for they concern, as far as we know, mere commercial relations conducted to a certain (limited) extent between the parties involved.[71] Yet, against the background of our central research question, we can entertain the idea as to whether a shift in paradigm is possible or not, before examining the question as to whether the concept of 'commerce' can be the viable paradigm that we are looking for.

1.2.   The Way Forward: A Shift in Paradigm

As we have seen with our elaboration of the international affairs of Israel, this country, like the rest of the world, seems to be entrapped within, what we have called, the 'warfare paradigm'. However, this paradigm has not been capable of bringing about peace to any region in the world in general and to the Middle East in particular. Yet, we have seen that in the course of human history, this paradigm has undergone changes, but never has anyone managed to replace it all together as the foundation of international relations. Therefore, we seem to be caught up in the everlasting vicious circle of the warfare paradigm. This raises the second sub-question of our research as *to what extent is it possible to supersede the entrapment in the vicious circle of the warfare paradigm*? With this question, we aim to examine the possibility of a shift in paradigm in general, before undertaking this exercise in the case of the warfare paradigm. To clarify this endeavor and possibility, we have to take the philosophy of Thomas S. Kuhn as our point of departure.

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[68] Although "the United Nations was created in 1945, following the devastation of the Second World War, with one central mission: the maintenance of international peace and security" (https://www.un.org/en/our-work/maintain-international-peace-and-security, accessed June 25, 2023), it said that it has failed in this mission (https://tesfanews.net/united-nations-utter-failure-in-bringing-world-peace/, accessed June 25, 2023).
[69] H.S. Reiss (ed.), *Kant: Political Writings, Cambridge Text in the History of Political Thought* (Cambridge: Cambridge University Press, 1991), 93.
[70] Raphael Ahren, "'Yes, Yes, Yes': Why Peace with Khartoum Would Be True Paradigm Shift for Israel," *The Times of Israel*, accessed March 18, 2023.
[71] Jason D. Greenblatt, *In the Path of Abraham: How Donald Trump Made Peace in the Middle East - and How to Stop Joe Biden from Unmaking It* (New York: Wicked Son, 2022). Said Aly Abdel Monem, Shai Feldman, and Shiqāqī Khalīl, *Arabs and Israelis: Conflict and Peacemaking in the Middle East* (London: Bloomsbury Academic, 2022), 415.

The American historian and philosopher of science, Thomas S. Kuhn, provides in his book *The Structure of Scientific Revolutions*[72] numerous examples of scientific developments, based on which he explains the nature of scientific changes. Unlike the prevailing theories that assumed that scientific progress comes about through the addition of new truth to the old truth as well as the correction of the errors in this latter, Kuhn introduced the idea of phasal development, being both normal and revolutionary. Kuhn "claims that normal science can succeed in making progress only if there is a strong commitment by the relevant scientific community to their shared theoretical beliefs, values, instruments and techniques, and even metaphysics",[73] which he indicates with the synonymous notions 'disciplinary matrix' and 'paradigm'. Hence, the consensus of a disciplinary matrix concerns the agreement on paradigms within a scientific community, until they are changed in a scientific revolution. This consensus is precisely what we can observe in the international relations concerning the mutual affairs between states, that are defined within the framework of the warfare paradigm. As discussed heretofore, any invention regarding a strategic conduct, such as the recent invention of the preemptive strike,[74] still takes place within the existing paradigm. Kuhn considers this as the phase of normal science wherein the existing paradigms with their formulas and methods are not questioned. The only thing one does within this context is comparisons between the terms and conditions that the community has agreed upon. The revolutionary phase is exactly the opposite of this, for by freeing oneself one can supersede the existing conventions, and this is the moment of revolution in which a shift in paradigm takes place. This is how science progresses. Accordingly, in escaping the entrapment of the vicious circle of war, we need to supersede the consensus that international affairs have to be comprehended in terms of a state of war and a state of peace, that is, within the warfare paradigm. This shift in paradigm is inevitable if we aim to find an alternative for the war-torn Middle East with Israel at the heart of it as the only state in a state of perpetual war.

This endeavor requires us not to come up with new theories like 'preemptive strike' or another recently developed theory of 'responsibility to protect',[75] which are all different ways of justifying war within the one and the same warfare paradigm. For achieving peace, we need to follow the formula of Kuhn in superseding the existing convention all together. Hence, it is not impossible for replacing the warfare paradigm with totally another paradigm, albeit that this requires a revolutionary courage. The present research will take up itself this challenge and examine

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[72] Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: The University of Chicago Press, 1996).
[73] Alexander Bird, "Thomas Kuhn," Stanford Encyclopedia of Philosophy, accessed March 27, 2023.
[74] Douglas Kellner, *From 9/11 to Terror War: The Dangers of the Bush Legacy* (Lanham: Rowman & Littlefield, 2003), 252.
[75] Gareth J. Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Harrisonburg: Brookings Institution Press, 2009), 32.

the possibility of a shift in the warfare paradigm. In so doing, the notion of 'commerce' as a new paradigm will be introduced and its feasibility and viability will be investigated, in the hope that this concept will become the new revolutionary window through which the international affairs in the Middle East will be conducted, with an end result of perpetual peace.

1.3.   Commerce as a New Paradigm

Thus far, our research has shown that the warfare paradigm, which is still the foundational paradigm of international relations, is inadequate for achieving peace. We have also seen that this paradigm has not been static throughout history. In our times, the necessity of a new paradigm is more than ever pressing, especially in case of the Middle East with Israel at the center of it. Hence, from a practical point of view, a shift in paradigm is desirable. In order to determine whether we can allow ourselves a shift in paradigm in order to achieve a state of peace for this country in this region, we have also discussed the theoretical possibility of such a shift. We concluded that also scientifically such a shift is possible. Now that we know that a shift in paradigm is not only desirable but also scientifically possible, we will endeavor to conduct this shift. In so doing, the concept of 'commerce' is taken as the alternative to the notion of 'war'. In order to replace 'war' with 'commerce' as the foundational paradigm of international relations, we, first, need to apprehend the concept of 'commerce' as such in its political sense. Hence, the question arises as to *what does the concept of 'commerce' entail in its political sense, as the possible alternative to the concept of 'war'*? It is worthwhile to bear in mind that this concept is actually an old conviction that has been theorized and imagined by philosophers and statemen, but not in a practical sense at which the present research aims.

Earlier, we referred to Immanuel Kant and stated that his theory – including the *de facto* examples that have been inspired by it – have not been viable to bring about perpetual peace. In this regard we have also to add that the conditions that Kant had laid out for achieving such a state of perpetual peace, termed as the 'Preliminary Articles', do not include the notion of 'commerce' as a prerequisite or condition of (achieving) this state of peace.[76] Nonetheless, we can discern in his philosophy some awareness about the inevitable relevance of the notion of 'commerce' for

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[76] Immanuel Kant, *To Perpetual Peace: A Philosophical Sketch* (Indianapolis: Hackett Publishing Company, 2003), in this book, Kant lays out the conditions for perpetual peace, denoted as the "Preliminary Articles", which are as follows: 1) "No secret treaty of peace shall be held valid in which there is tacitly reserved matter for a future war", 2) "No independent states, large or small, shall come under the dominion of another state by inheritance, exchange, purchase, or donation", 3) "Standing armies shall in time be totally abolished", 4) "National debts shall not be contracted with a view to the external friction of states", 5) "No state shall by force interfere with the constitution or government of another state", 6) "No state shall, during war, permit such acts of hostility which would make mutual confidence in the subsequent peace impossible: such are the employment of assassins (percussores), poisoners (venefici), breach of capitulation, and incitement to treason (perduellio) in the opposing state".

peaceful relations among the nations. For instance, he argues that "nations which could not have secured themselves against violence and war by means of the law of world citizenship unite because of mutual interest. The spirit of commerce, which is incompatible with war, sooner or later gains the upper hand in every state. As the power of money is perhaps the most dependable of all the powers (means) included under the state power, states see themselves forced, without any moral urge, to promote honourable peace and by mediation to prevent war wherever it threatens to break out".[77]

The idea that trade is incompatible with war and thus capable of fostering peace is also called the 'capitalist peace'. Not only Kant was of the view that 'the spirit of commerce is incompatible with war', but also other philosophers, such as Montesquieu, had asserted that 'peace is the natural effect of trade', due to the mutual dependency that it creates. More recent scholars, such as Norman Angell, have argued that reciprocal dependency of modern economies through trade are prone to reduce the prospects of war. As it is argued:

> "In the twenty-first century, *New York Times* columnist Thomas Friedman formulated the Golden Arches Theory of Conflict Prevention, according to which no two countries with McDonald's franchises will ever go to war against each other. He later developed this proposition into the Dell Theory: no two countries that form part of the same major global supply chain, such as Dell Computer's, will ever fight a war against each other. The private sector has also enthusiastically embraced the thesis that trade leads to peace. In the 1950s, the International Chamber of Commerce commissioned a book about its own history called *Merchants of Peace*, and the United States issued a stamp featuring the phrase 'World peace through world trade' to commemorate the seventeenth congress of this chamber. The lesson of the twentieth and twenty-first centuries is that trade certainly does not suffice to prevent war: Europe descended into the horrors of World War I a few years after Angell's book was published, and Friedman's Golden Arches Theory was falsified when the NATO countries bombed Yugoslavia in 1999 and Russia invaded Georgia in 2008 and Ukraine in 2014".[78]

Reversely, companies, such as McDonald's, that had entered the Russian society upon the political and ideological changes of the United States and Russia, and even left this latter upon the

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[77] Immanuel Kant, *Perpetual Peace; a Philosophical Essay 1795* (London: S. Sonnenschein, 1903).
[78] Anthea Roberts and Nicolas Lamp, *Six Faces of Globalization: Who Wins, Who Loses, and Why It Matters* (Cambridge: Harvard University Press, 2021), 43-44.

political decision of both governments in the wake of the Ukraine war in 2022,[79] have done so by following the politics and not *vice versa*. At this moment, the question arises as to whether commerce can truly be the way forward in achieving peace. The answer to this question is rather simple because each theory, from Kant to Friedman, that emphasizes the importance of commerce for peace – although recognizing the correlation between the two – fails to deploy it as a prerequisite paradigm for international relations among states. In all these theories, commerce is rather accessory and a side issue in international affairs. This is why also in all the *de facto* examples that we can find, it is commerce that follows politics and not politics commerce. In other words, commerce is not the foundational paradigm of the international law and politics at the moment, as we have also proven this with our discussion of the United Nations.

The idea of peace through commerce has also been voiced by the American revolutionary, statesman and one of the founding fathers, Alexander Hamilton. Hamilton believed that economic diversity increases the wealth of a nation and fulfills the potential talents of the citizens.[80] Therefore, one of the schools of thought that characterizes the American foreign policy is called Hamiltonianism, which is defined in terms of commerce and trade in the broadest sense of the word, encompassing and resulting in the prosperity of nations and in the acceleration of peace among them.[81] The Scottish economist and philosopher, Adam Smith, on the other hand, viewed commerce and trade from a quite opportunistic angle. He claimed that trade and commerce give one, among others, the chance to specialize in the production of one product and import another.[82] In other words, products that are produced cheaply in another country should be imported, instead of being domestically manufactured at a higher cost. Hence, he considered import and trade as means to cheap resources, which can be put to better use. This requires friendly relations with other nations with whom one can organize such supply chains. In sum, all these theories show that the concept 'commerce' had not escaped the attention of philosophers and statemen who have put the foundations of our modern world. Nonetheless, as we can discern, none of them has elevated this concept to a level at which 'commerce' would form the foundational paradigm of the international law and politics.

Based on the foregoing inquiry, we can infer that the importance of the notion of 'commerce' might been acknowledged sideways throughout centuries, but the elevation of it to the level of being a prerequisite for peace has fallen short. The reason for this is that 'commerce'

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[79] Susanne Wengle, *Russian Politics Today: Stability and Fragility* (Cambridge: Cambridge University Press, 2022), 191.
[80] "Alexander Hamilton: The Man Who Made Modern America," American Library Association, accessed March 15, 2023, https://www.ala.org/aboutala/offices/ppo/programming/hamilton/exhibitionthemeoverview.
[81] Walter Russell Mead, *Special Providence: American Foreign Policy and How It Changed the World* (New York: Knopf, 2009), 103-104.
[82] Adam Smith, *The Wealth of Nations* (Westminster: Random House Publishing Group, 2000).

has been considered to be an important or relevant element that can foster peace, but it has probably not been relevant enough to ground peace upon it. None of the theories discussed so far has thus considered 'commerce' to be a paradigm *par excellence* for the international relations, with which the warfare paradigm could be replaced. More concrete, as we have seen before with our discussion of the UN Charter, the international law and politics are fundamentally underpinned by the warfare paradigm and are not grounded on the notion of 'commerce'. Hence, the private sector with its international supply chains might be of relevance to politics, but it is not determinative and decisive for it. Thus, it is not commerce that decides the world politics, but the governments of different states that have the sole sovereignty to decide hereupon. In this, the rules of the game between the governments are based on the warfare paradigm.

Therefore, for making peace indeed the decisive factor, as many have wished for and speculated about, it is imperative to make the notion of 'commerce' in this political sense the inevitable paradigm for the relationship between the states. In other words, the undergirding paradigm of the international law and politics has to become 'commerce' and not 'warfare', if we want to change our approach towards the international relations in which peace can be envisioned, especially in the Middle East and for a country like Israel, which is in a permanent state of war. Whether 'commerce' can be *de facto* the feasible solution is the question that begs for a thorough empirical inquiry. Therefore, in the next chapter, the feasibility of this assumption will be empirically investigated. Especially when we bear in mind that the idea of peace through economy, in the 1990s and 2000s, has been entertained and highlighted by Shimon Peres, who's aim was the advancement of Arab-Israeli joint ventures,[83] and Francis Fukuyama,[84] who has envisioned liberal market economy as an inevitable condition for peace[85] and thus a successful democracy, within his landmark theory 'the end of history', wherein he heralds the end of history with the global victory of liberal democracy.[86]

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[83] "Shimon Peres," Ministry of Foreign Affairs, accessed June 25, 2023, https://www.gov.il/en/Departments/People/shimon_peres_,.
[84] Oliver F. Williams, *Peace through Commerce: Responsible Corporate Citizenship and the Ideals of the United Nations Global Compact* (Notre Dame: University of Notre Dame, 2008), 439.
[85] Marvin Zonis, Dan Lefkovitz, Sam Wilkin and Joseph Yackley, *Risk Rules: How Local Politics Threaten the Global Economy* (Agate: B2Books, 2011), XXII.
[86] Francis Fukuyama, *The End of History and the Last Man* (New York: The Free Press, 1992), 31.

2. The Viability of Commerce as the New Paradigm

In the previous section, we have thoroughly analyzed and discussed the theoretical views on the notion of 'commerce' as the envisioned paradigm for the international relations. However, with our discussion of the United Nations, we have also seen that this theoretical awareness tends not to be echoed or mirrored in the way the post World War II world is constructed. Therefore, if we want to make 'commerce' the replacing paradigm of 'warfare', we have to delve deeper into the *de facto* viability and feasibility of this notion. This leads us to the sub-question as to *how far is 'commerce' empirically a viable and feasible paradigm for the relationship between the states in the Middle East*? An answer to this question requires an empirical investigation, which we will conduct in this chapter with a comparative case study of regional cooperations. By analyzing different attempts for realizing perpetual peace, we can thus determine the vivacity of the notion of 'commerce' as the paradigm for peace in the Middle East – between Israel and its neighbors. The result of this inquiry will not only be an answer to our central question, but it will also shed light on the relevance of the recent developments in the Middle East, namely the Abraham Accords. However, before conducting our case study, we need to provide a brief context of these accords, for this way, our inquiry regarding our research question will be put into a better perspective, leading to an answer to our question.

2.1.   Abraham Accords: A Contextual Overview

Abraham Accords are a set of treaties through which Israel aims to normalize its relationship with the United Arab Emirates (UAE) Bahrain, Sudan and Morocco. The enactment of these treaties was facilitated by the United States' government in the period between August and December 2020. To comprehend the *raison d'être* of these accords, we need to divide them into different categories, which will be highlighted below.

The first category of treaties concerns the agreements between Israel and the UAE.[87] The relationship between these two countries had never been a formal one. This means that these two countries never had a normalized diplomatic relationship. Although the UAE had never directly waged a war against Israel, it, nonetheless, had supported a boycott of Israel in the Arab League, since 1948[88], and had formally anchored this boycott and penalized relations with Israel in the Federal Law No. 15 of 1972.[89] The underlying reason for this groundbreaking deal is said to be the

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[87] "The Abraham Accords: A Warm Peace Transforming the Middle East," Embassy of The United Arab Emirates Washington, DC, accessed May 11, 2023, https://www.uae-embassy.org/discover-uae/foreign-policy/abraham-accords-warm-peace-transforming-middle-east.

[88] Martin A. Weiss, "Arab League Boycott of Israel," Federation of American scientists, August 25, 2017, https://sgp.fas.org/crs/mideast/RL33961.pdf.

[89] Mohsen Mohammad Saleh, "The Palestine Strategic Report 2020-2021," *Al-Zaytouna Centre for Studies & Consultations*, no.12 (August 2022): 329.

shared interest regarding the threats posed by the Islamic Republic of Iran.[90] Additionally, it is recognized that both states are interested in fostering and diversifying their economies.[91] This cooperation has already surpassed 2.56 billion dollars.[92] At the same time, the United States used this opportunity to accelerate their arms sales to the Arab Gulf states.[93] As we can discern, the primary goal was not economic in nature, but primarily military and security. In other words, economy was not the primary goal of this cooperation but a mere side effect of it.

The next treaty concluded was between Israel and Bahrain in September 2020. As a gesture of goodwill, the Emir of Bahrain denounced the Arab League boycott of Israel.[94] In the same year as when the peace treaty was concluded, Bahrain hosted a conference called 'peace to prosperity'.[95] What is remarkable is that, as even the name of this conference indicates, the main underlying idea of this cooperation was not prosperity, i.e. economic in nature, but peace, that is avoidance of war, which ought to lead to prosperity. In other words, the primary goal here has also been the avoidance of war in the hope that these countries can, subsequently, cooperate in order to enhance their economic welfare.

The treaties between Israel and Morocco are more ambiguous. This is because Morocco was not in any direct conflict (zone) with Israel whatsoever. The reason for Morocco in making such a deal was also not *per se* underpinned by its goodwill and love for peace in a region far away from its borders. The underlying reason for Morocco was rather its own self-interest and national issue regarding the disputed territory of Western Sahara.[96] Worth noting is that "the United States under Trump recognized Moroccan sovereignty over the disputed region in exchange for Morocco's agreement to normalize relations with Israel".[97] The same goes for Sudan, which has not an established and stabilized government nor any direct interest in a peace treaty with Israel. Therefore, their peace treaties seem to be of more symbolic nature.

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[90] "The Abraham Accords," StandWithUs, accessed May 12, 2023, https://www.standwithus.com/theabrahamaccords.

[91] Bryan Cave Leighton Paisner, "Welcoming Opportunities: The Benefits of UAE-Israel Cross-Border Investment," Arabian Business, October 19, 2020, https://www.arabianbusiness.com/business/453049-welcoming-opportunities-the-benefits-of-uae-israel-cross-border-investment.

[92] "UAE-Israel Trade Hits Record High to Reach $2.56bn in 2022," Arab News, accessed May 15, 2023, https://www.arabnews.com/node/2237391/business-economy.

[93] Aaron Mehta and Joe Gould, "Just hours before Biden's inauguration, the UAE and US come to a deal on F-35 sales," *Defense News*, January 20, 2021, https://www.defensenews.com/global/mideast-africa/2021/01/20/just-hours-before-bidens-inauguration-the-uae-and-us-come-to-a-deal-on-f-35-sales/.

[94] Dov Lieber, "Bahrain's king opposes Arab boycott of Israel, Jewish leader says," *Times of Israel*, September 17, 2020, https://www.timesofisrael.com/bahrains-king-opposes-arab-boycott-of-israel-jewish-leader-says/.

[95] "US-led 'Peace to Prosperity' workshop kicks off in Bahrain," *Al Arabiya news*, June 25, 2019, https://english.alarabiya.net/business/economy/2019/06/25/US-led-workshop-kicks-off-in-Bahrain-with-top-business-people-government-officials.

[96] Toms Dumpis, "FM: US Western Sahara Recognition a Step Towards 'Lasting Stability," *Morocco World News*, February 4, 2021, https://www.moroccoworldnews.com/2021/02/334086/fm-us-western-sahara-recognition-a-step-towards-lasting-stability/.

[97] Ben Lynfield, "Israel's Rewarding Road to Normalization," FP, January 31, 2022, https://foreignpolicy.com/2022/01/31/israel-abraham-accords-normalization-middle-east/.

Hence, the most important treaties so far can be said to be those between Israel and the Gulf states. In all these treaties, the Palestinian issue has also played a major role. This issue is, e.g., also the reason why Saudi Arabia is not yet concluding a peace treaty with Israel and makes this issue as a precondition to such a treaty.[98] What is more, by analyzing the content of these treaties we can arrived at the following findings.

Firstly, the Abraham Accords Declaration starts to express the important of all kinds of human rights concepts that are, as standard clauses, included in almost all the treaties of the United Nations. Therefore, these clauses are rather symbolic and do not directly relate to the topic concerned between the states involved in this particular case. References to commerce and prosperity are just made in the fifth and the sixth paragraphs (out of eight). Albeit that also these references are formulated in rather abstract and general terms. More concrete, paragraph five reads as follows: "we support science, art, medicine, and commerce to inspire humankind, maximize human potential and bring nations closer together".[99] And paragraph six states: "we pursue a vision of peace, security, and prosperity in the Middle East and around the world".[100] Also the aforementioned bilateral treaties do not contain any reference to the prevalence of commerce as the key factor for peace. It is rather the opposite, the states concerned aim in general to cooperate with each other and commerce is one of the fields, among many other areas, that can be of interest in this cooperation.[101] The objectives of the facilitator of these accords, the United States, in creating such an integrated regional construct have been security and defense cooperations among the US allies.[102] Again, defense and security, and not commerce, have been the foundations of these accords. The Abraham Accords are thus nothing but another example of international relations in the classical sense and paradigm.

2.2.   Regional Cooperations between States

Not only a given paradigm is important for the cooperation between states, but also the level and form of cooperation that they choose for their relationship. Before conducting our case study, we need to know at which levels and forms of cooperation we have to look. States can namely cooperate at different levels. The typology I would like to propose has four levels: internal level,

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[98] Michael Crowley, Vivian Nereim and Patrick Kingsley, "Saudi Arabia Offers Its Price to Normalize Relations With Israel," *The New York Times*, March 9, 2023, https://www.nytimes.com/2023/03/09/us/politics/saudi-arabia-israel-united-states.html

[99] "The Abraham Accords Declaration," U.S. Department of State, accessed May 15, 2023, https://www.state.gov/wp-content/uploads/2020/10/Abraham-Accords-signed-FINAL-15-Sept-2020-508-1.pdf.

[100] Ibid.

[101] "The Abraham Accords," U.S. Department of State, January 13, 2021, https://www.state.gov/the-abraham-accords/.

[102] Sanam Vakil and Neil Quilliam, "The Abraham Accords and Israel–UAE normalization: Shaping a new Middle East," Chatham House, March 2023.

bilateral level, regional level and global level. At the internal level, we can think of federations and confederations, whereby different states divide the (internal) sovereignty among themselves and anchor it, oftentimes, in a constitution, like in the United States of America or in the Federal Republic of Germany. At the bilateral level, we have two (externally sovereign) states that engage in reciprocal activities based on certain (common) grounds and mutual interests. The same goes for the global cooperation, which concerns the multilateral engagement of sovereign states, whereby, unlike the bilateral engagement, more than two states are involved in a cooperation that transcend geographical boundaries. Regional cooperation is a form of multilateral cooperation, because more than two sovereign states are involved, but their cooperation is this time confined to a geographic demarcation.

The main example of a multilateral cooperation at the international level is the United Nations. However, such a global cooperation cannot be said to be always effective. This is why countries try to achieve a more effective cooperation by engaging with each other at the regional level. Henceforth, "during the last decade the move to regionalism has become a headlong rush".[103] Also bilateral cooperation in a globalized world cannot be said to be the most effective way of conducting international relations. Especially when it concerns a cross border conflict in a certain region. This is why we can discern numerous attempts at regional (geopolitical) cooperation in international relations, by means of which the states involved endeavor to solve various issues of interest. The prime concern and interest of states are economic in nature, which are inevitably interwoven with their national security.

Examples of regional (multilateral) cooperations in the field of trade and commerce are the European Union (EU),[104] the African Union (AU),[105] Mercosur,[106] the Caribbean Community (CARICOM),[107] the European Free Trade Association (EFTA),[108] the Eurasian Economic Community (EAEC),[109] the Association of Southeast Asian Nations (ASEAN),[110] the Central European Free Trade Agreement (CEFTA),[111] the North American Free Trade Agreement (NAFTA),[112] the South Asian Association for Regional Cooperation (SAARC),[113] and the Pacific

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[103] World Bank, *A World Bank Policy Research Report: Trade Blocs* (New York: Oxford University Press, 2000), 1.
[104] "Your gateway to the EU," European Union, accessed May 20, 2023, https://european-union.europa.eu/index_en.
[105] African Union, accessed May 20, 2023, https://au.int/.
[106] Mercosur, accessed May 20, 2023, https://www.mercosur.int/.
[107] Caricom, accessed May 20, 2023, https://caricom.org/.
[108] European Free Trade Association, accessed May 20, 2023, https://www.efta.int/.
[109] Eurasian Economic Union, accessed May 20, 2023, http://www.eaeunion.org/?lang=en.
[110] Association of Southeast Asian Nations, accessed May 20, 2023, https://asean.org/.
[111] Central European Free Trade Agreement, accessed May 20, 2023, https://cefta.int/.
[112] North American Free Trade Agreement, accessed May 20, 2023, https://www.trade.gov/north-american-free-trade-agreement-nafta.
[113] South Asian Association for Regional Cooperation, accessed May 20, 2023, https://www.saarc-sec.org/.

Islands Forum (PIF).[114] These regional cooperations and integrations are not all according to the same standard and model but have different forms. Regarding the forms of cooperation, a distinction is made between the deep integration, from closed regionalism to open model, and trade blocs.[115] The prime example of the deep integration is the EU, which is grounded on 'supranationalism'. The closed and open forms of regionalism are often grounded on minimalistic cooperations in the field of economics, undergirded by intergovernmentalism. This whereas trade blocs have a more structured and sustainable forms and foundations, albeit that they also are based on intergovernmentalism.

        'Supranationalism' and 'intergovernmentalism' are thus the two imperative classifications of cooperations among states. Supranationalism "is used to identify a particular type of international organization that is empowered to directly exercise some of the functions otherwise reserved to states. The distinguished feature in this regard between supranational and international organizations is the greater transfer of or limitation on state sovereignty involved in the establishment of a supranational organization",[116] resulting in some loss of national sovereignty. In contrast, intergovernmentalism refers to arrangements "whereby nation states, in situations and conditions they can control, cooperate with one another on matters of common interest. The existence of control, which allows all participating states to decide the extent and nature of this cooperation, means that national sovereignty is not directly undermined".[117]

        Accordingly, as regards to the intensity of cooperation, we can divide economic integration among states into seven stages: preferential trading area, free trade area, customs union, single market, economic union, economic and monetary union, and complete economic integration.[118] In this categorization 'economic and monetary union' is the deepest form of integration and 'free trade area' the weakest form. The most successful form of all has been the deepest form of integration, that is, the economic and monetary union, with the EU as its prime example. And a good example of free trade area is the ASEAN. To ground this assumption and, therewith, to determine the best form of cooperation to be suggested for the Middle East, we have to analyze both forms of economic integration, for which the EU and the ASEAN will be used for our comparative case study.

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[114] Pacific Islands Forum, accessed May 20, 2023, https://www.forumsec.org/.

[115] World Bank, *A World Bank Policy Research Report: Trade Blocs* (New York: Oxford University Press, 2000), 1-2.

[116] Laurence Helfer and Anne-Marie Slaughter, "Toward a Theory of Effective Supranational Adjudication," *Yale Law Journal* 107, no. 2 (November 1997): 287.

[117] Neill Nugent, *The Government and Politics of the European Union* (Durham: Duke University Press, 2006), 558.

[118] James C. Ingram, review of *The Theory of Economic Integration*, by Bela Balassa, *The American Economic Review* 52, no. 3 (1962): 612-614.

2.3.   Regional Cooperation: A Case Study

For our case study, two organizations, the EU and the ASEAN, are taken as the prime examples of regional integration. The EU forms the foundation of this study and the ASEAN functions as a comparative case for assessing and contrasting the ways a regional integration can take place and can be or become sustainable and successful. With this empirical research, we will answer the sub-question as to *what form and level of regional cooperation best incorporates the concept of 'commerce' as the foundational paradigm for a peaceful (co)existence with the states involved?*

2.3.1.   The European Union

The most interesting part of the European integration can perhaps be found in its foundation. In 1950s, the European Economic Community (EEC) was founded, consisting of three distinct communities: the Coal and Steel Community, the Atomic Energy Community and the Economic Community. The Coal and Steel Community commenced with the 1951 Treaty of Paris that established the European Coal and Steel Community (ECSC). These two resources, mostly vested in Germany and resulting in the advancement of this country to the disdain of England,[119] were the main issues that the occupying powers were taking advantage of after the defeat of Germany in the First World War.[120] They also formed the core issue of the commencement of the Second World War. Even after the end of the Second World War, the allies in general and France in particular could not accept that these resources would fall, again, in the hands of Germany. Hence, "one of the most important considerations which influenced Allied policy in relation to the German basic industries was the question of dismantling and reparations. There were two main objectives in view, namely, compensation to the Allied nations for war destruction, and the reduction of Germany's war potential. The dismantling policy was closely bound up with the Allied restrictions on German industry in general and on steel production in particular".[121] After the Second World War, France still went so far as to demand for a partition of Germany.[122] When they did not succeed in this plan[123] due to, among others, the American plans of reunification of Germany,[124] they came up with an alternative plan, drafted by Robert Schuman,[125] which entailed

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[119] Fabian Scheidler, *The End of the Megamachine: A Brief History of a Failing Civilization* (Winchester: Zero Books, 2020).
[120] Joseph Zeller, "Coal: A Significant Factor in Germany's Defeat in World War I," *Canadian Military History* 27, no. 1 (2018).
[121] M. G., "The West German Coal and Steel Industries since the War," *The World Today* 8, no. 3 (March 1952): 111–123, http://www.jstor.org/stable/40392502.
[122] Harold James, *Europe Reborn: A History, 1914-2000* (London: Taylor & Francis, 2014), 232.
[123] "The European Coal and Steel Community," EU Learning, accessed May 22, 2023, https://carleton.ca/ces/eulearning/history/moving-to-integration/the-european-coal-and-steel-community.
[124] Frederic J. Fransen, *The Supranational Politics of Jean Monnet: Ideas and Origins of the European Community* (Westport: Greenwood Press, 2001), 90-94.
[125] "Schuman declaration May 1950," European Union, accessed May 22, 2023, https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en.

a supranational management of coal and steel within a single market, resulting in the ECSC. Also the Germans themselves preferred to be under a supranational organ called the High Authority of Coal and Steel Community instead of an Allied Control Commission.[126] What is more, "in addition to its institutions, the [Paris] Treaty created a framework of rules that could be used to shore up the competitive nature of the market".[127] Therefore, the ECSC is seen as having a "political and economic significance in its own right, in so far as it made European integration specific and workable for the first time".[128] This is already an important lesson that one can draw for other regional cooperations that tend to prevent conflicts through integration and collaboration. The original institutions of this community formed the foundation of the current EU institutions, such as the European Commission and European Parliament.[129]

This first step in integration lead, subsequently, to the next treaty: the 1957 Treaty of Rome,[130] that established the European Economic Community (EEC). This treaty paved the way for the creation of a common market. To achieve this, two goals were fostered with this treaty: 1) the transformation of industry, trade and manufacturing within the community, and 2) the further unification of Europe. At the same time with the EEC, the Treaty establishing the European Atomic Energy Community (EAEC or Euratom) was created.[131] The creation of a common market had four fundamental rights at its core: the freedom of goods, the freedom of people, the freedom of services, and the freedom of capital. This common market entailed a lot of measure for creating a single economic area among the participating states. For instance, free competition, prevention of state aid, abolition of protectionist measures such as internal tariffs and, therewith, the creation of a customs union as well as the adoption of joint policies are core policies that one took for creating the common market.[132]

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[126] Mark Roseman and Carl Levy (eds.), *Three Postwar Eras in Comparison: Western Europe 1918–1945–1989* (Basingstoke: Palgrave Macmillan, 2001), 250.

[127] Karen J. Alter and David Steinberg, "The Theory of the European Coal and Steel Community," in *Making History: European Integration and Institutional Change at the 50th Anniversary of the Treaty of Rome*, ed. S. Meunier and K. McNamara (Oxford: Oxford University Press, 2007), 91.

[128] Dietmar Petzina, Wolfgang F. Stolper and Michael Hudson, "The Origin of the European Coal and Steel Community: Economic Forces and Political Interests," *Zeitschrift Für Die Gesamte Staatswissenschaft / Journal of Institutional and Theoretical Economics* 137, no. 3 (September 1981): 450–468.

[129] "From the Second World War to the Treaty of Rome," UK Parliament, accessed May 22, 2023, https://www.parliament.uk/about/living-heritage/evolutionofparliament/legislativescrutiny/parliament-and-europe/overview/post-ww2-to-treaty-of-rome/.

[130] The official name of the Treaty of Rome is the "Treaty establishing the European Economic Community (EEC Treaty)". With the coming into force of the Lisbon Treaty, the Rome Treaty is renamed into "Treaty on the Functioning of the European Union".

[131] This treaty was enacted in order to regulate in a peaceful way the newly discovered energy source: the nuclear energy.

[132] "Treaty of Rome (EEC)," EUR-Lex, accessed May 22, 2023, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:xy0023.

Although the economic branch of the European integration started as a supranational idea, the political branch was designed as being intergovernmental.[133] The sequent treaty[134] shaped further this political branch of the European cooperation. The most important treaty in this regard was the Maastricht Treaty that was signed in 1992 and came into force on November 1, 1993. This treaty created the European Union and established new forms of cooperation between the member states, such as cooperations on defense, justice and home affairs. These policy areas were kept intergovernmental, because the governments involved did not want to give up on their sovereignty in these fields. From this moment onwards, one had two main treaties for the European cooperation: the Rome Treaty that created the European Economic Community (EEC), and the Maastricht Treaty that established the European Union. Until 2007, these two treaties were two separate legal instruments that formed the foundation of the European integration. The Maastricht Treaty brought about, among others, the so-called pillar-system. "The first pillar consisted of the European Communities and provided a framework enabling powers for which Member States had transferred sovereignty in areas governed by the Treaty to be exercised by the Community institutions. The second pillar was the common foreign and security policy laid down in Title V of the Treaty. The third pillar was cooperation in the fields of justice and home affairs laid down in Title VI of the Treaty. Titles V and VI provided for intergovernmental cooperation using the common institutions, with certain supranational features such as involving the Commission and consulting Parliament".[135]

From 2007 onwards, since the adoption of the Treaty of Lisbon, the Maastricht Treaty and the Rome Treaty have been merged (and renamed) into this one single treaty, which, however, did not totally abolish the pillar system. In other words, the separation between supranational topics and intergovernmental themes is still in place within the framework of the Lisbon Treaty.[136] This gradual and parallel evolution of the European integration serves as a good example for other regional organizations, that endeavor to enhance their collaboration in a sustainable and successful way. Hence, the conclusion that can be drawn from our inquiry into the EU is that this organization is the best example of a post-war cooperation based on the advancement and enhancement of

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[133] Riccardo Fiorentini and Guido Montani (eds.), *The European Union and Supranational Political Economy* (London: Routledge, 2014). Wolfram Kaiser, Brigitte Leucht and Morten Rasmussen, *The History of the European Union: Origins of a trans- and supranational polity 1950-72* (New York: Routledge, 2009).

[134] 1986 Single European Act (SEA) was the first revision of the Rome Treaty followed by the 1992 Treaty on European Union (Maastricht Treaty), 1997 Treaty of Amsterdam, 2001 Treaty of Nice, and 2007 Treaty of Lisbon.

[135] "Fact Sheets on the European Union," European Parliament, accessed May 22, 2023, https://www.europarl.europa.eu/factsheets/en/home.

[136] Since Lisbon Treaty supranationalism is the rule and intergovernmentalism forms the exception to this rule. The provisions wherein the intergovernmental decision-making procedures are explicitly regulated are: Articles 20, 21-46, 48 and 49 of the Treaty on European Union (TEU); Articles 2(4), 31, 64(3), 81, 89, 103(1), 113, 115, 118, 127, 153, 191(3), 192, 194 (2), 215, 218, 220, 221, 312, 329 and 333 of the Treaty on the Functioning of the European Union (TFEU).

economic cooperation in a supranational manner, which guarantees the prevention of future wars on this continent. Beside its confinement to a regional demarcation, which has been the pitfall of a global organization like the UN, the success of this (regional) organization is embedded, among others, in its gradual integration and separation of topics for arranging them according to supranational and intergovernmental manners. Especially the supranational construction of the market and trade integration can be said to be the golden card of this cooperation. To sustain this proposition, we can make a comparison between this organization and another regional organization, the ASEAN, that has endeavored to mimic the EU, albeit without much success due to its mere intergovernmental construction.

2.3.2. The Association of Southeast Asian Nations

Another major attempt for a regional integration has been the creation of the Association of Southeast Asian Nations (ASEAN). The ASEAN is a regional cooperation in the field of politics and economy between ten countries[137] in Southeast Asia. With the entry into force of its charter, this organization was created on December 15, 2008. This organization is comprised of three main communities: ASEAN Political-Security Community, ASEAN Economic Community, ASEAN Socio-Cultural Community. This division corresponds with the purposes that are formulated in the ASEAN Charter.[138] Interesting for our comparison with the EU are especially the political-security and the economic cooperations and the way they are structured.

Regarding the political cooperation, the Charter states that the purpose of the ASEAN is "to maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region".[139] As regards to the economic cooperation, it states that the purpose of this organization is "to create a single market and production base which is stable, prosperous, highly competitive and economically integrated with effective facilitation for trade and investment in which there is free flow of goods, services and investment; facilitated movement of business persons, professionals, talents and labour, and freer flow of capital".[140] These freedoms and fair competition ambitions are similar to the four freedoms and the free competition and market of the internal market of the European Union. However, as touched upon hereafter, the similarity is only at the level of formulation and not at the level of legislation, implementation, and execution. This difference is already apparent from the second provision of this Charter in which one states that the ASEAN and its member states act in accordance with the "respect for the independence,

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[137] The ASEAN member states are: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam.
[138] The purposes of the ASEAN are formulated in Article 1 of the ASEAN Charter.
[139] Article 1 (1) of the ASEAN Charter.
[140] Article 1 (5) of the ASEAN Charter.

sovereignty, equality, territorial integrity and national identity of all ASEAN Member States".[141] This principle is enhanced in the next principles in which the non-interference is reiterated and is based on the Westphalian idea of nation states as the sole sovereigns in the international law.[142] This shows that this regional organization is intergovernmental *par excellence*. This has an effect on the way the cooperation is conducted in the field of economics, in that it makes also this cooperation fundamentally intergovernmental, as this organization also explicitly adheres to multilateral trade rules.[143] Beside the fact that intergovernmentalism is apparent from the aforementioned purposes and principles, also Article 3 of the Charter explicitly states that this organization is an intergovernmental one. This stands in stark contrast with the EU, which is supranational in the field of economic cooperation.

In the context of the economic cooperation, we have to zoom in further on this branch of the ASEAN in order to better comprehend the functioning of this organization in this area. The ASEAN Economic Community (AEC) aims to foster the regional economic integration of the countries involved. This institution started in 1992 with the creation of the ASEAN Free Trade Area (AFTA). With the adoption of the ASEAN Vision 2020 in 1997, the member states endeavored to enhance the economic integration of this organization. For achieving this integration, the 1998 Hanoi Plan of Action (HPA) was enacted. The aim of this organization and these documents have always been to create "a single market and product base, a highly competitive region, with equitable economic development, and fully integrated into the global economy".[144] To this end, the Declaration of ASEAN Concord II was adopted in 2003,[145] creating as, aforesaid, three pillars: political and security cooperation, economic cooperation, and socio-cultural cooperation.

All these developments, such as the creation of a pillar-system, are intergovernmental forms of cooperation. This is another difference with the EU, where the pillar system is a combination of a supranational and an intergovernmental cooperation. In this system, the success of the creation of an internal market has been due to the supranationalism of economic cooperation that was encompassed in the first pillar. Beside all the other political and economic issue within and among the countries involved,[146] the ASEAN as such has not been able to fully

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[141] Article 2 (a) of the ASEAN Charter.
[142] Article 2 (e) (f) (j) (k) of the ASEAN Charter.
[143] Article 2 (n) of the ASEAN Charter.
[144] "Economic Community," Association of Southeast Asian Nations, accessed May 25, 2023, https://asean.org/our-communities/economic-community/.
[145] "Declaration of ASEAN Concord II (Bali Concord II)," Association of Southeast Asian Nations, accessed May 25, 2023, https://asean.org/speechandstatement/declaration-of-asean-concord-ii-bali-concord-ii/.
[146] Kimkong Heng, "ASEAN's Challenges and the Way Forward: As the grouping turns 53, it faces old and new challenges, both internal and external," *The Diplomat*, August 15, 2020, https://thediplomat.com/2020/08/aseans-challenges-and-the-way-forward.

imitate the European success on integration, because of its intergovernmental structure. The Asian Development Bank confirms, in this regard, that "ASEAN membership has been no guarantee of economic success".[147] Due to the intergovernmental nature of the cooperation, the member states of the ASEAN remain sovereign to implement their own domestic measures and laws. This whereas the laws of the EU take precedent above the national laws, as it has been determined in the landmark cases *Flaminio Costa v. ENEL.*[148] and *Van Gend & Loos*[149] of the European Court of Justice. This is why within the ASEAN's intergovernmental context, there is a vast diversity and disparity between the states involved as regards to their economic policies. This whereas in the EU the supranational approach has brought about harmonization and uniformization between the economic policies and laws among the member states. This is why a true internal market has succeeded within the EU, whereas the ASEAN does not succeed in achieving such a market integration. For instance, the member states of the ASEAN have different domestic policies on market access, such as tariffs, and national treatment of investment,[150] whereas such differentiated treatments, such as tariffs, are prohibited within the EU internal market.[151] To achieve such an internal market, the EU has (gradually) harmonized its cooperation as regards to free trade, custom union, common market, economic union and similar fields related to trade and investment. These developments can be said to be the decisive requirements for a successful economic integration, which the EU has attained and the ASEAN not.[152]

The main barrier to a unified internal market can, thus, be said to be intergovernmentalism, wherein each country remain fully sovereign to enacts its own national rules and policies.[153] Whereas in supranationalism the member states give up on their sovereignty regarding certain themes. This creates diversity and fragmentation in policies among the member states of an organization and functions, consequently, as a hurdle and barrier in their reciprocal affairs, like in the field of market economy. The EU has overcome this problem by making certain themes, such

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[147] Hal Hill and Jayant Menon, "ASEAN Economic Integration: Features, Fulfillments, Failures and the Future," *ADB Working Paper Series on Regional Economic Integration* 69 (December 2010): 2.

[148] *Costa v ENEL* (case 6/64) [1964] ECR 585 - ECJ 3.

[149] *Van Gend en Loos v Nederlandse Tariefcommissie* (case 26/62) [1963] ECR 1.

[150] The market access in Cambodia and Singapore is more open compared to Thailand and Laos, while Thailand has a more open policy on national treatment of investment as compared to the more restrictive treatment by Malaysia and Brunei.

[151] Prohibition of discrimination within the EU internal market can be found in articles 34 to 35 of the Treaty on the Functioning of the European Union.

[152] Ruspratama Yudhawirawan, "ASEAN Way: The leap of the Economic Integration Theory Phase by the ASEAN Economic Community," Center for Southeast Asian Studies University Gajah Mada, accessed May 23, 2023, https://pssat.ugm.ac.id/asean-way-the-leap-of-the-economic-integration-theory-phase-by-the-asean-economic-community/.

[153] Bayu Sujadmiko, Yuga Narazua, Rudi Natamihardja and Intan Fitri Meutia, "ASEAN challenges toward supernational organization," *Russian Law Journal* 11, no. 5s (2023).

as its market economy, subject to supranational cooperation.[154] However, supranationalism comes at the price of fully or partially relinquishing national sovereignty[155] in certain areas. This depends on the political choice and willingness of the states that have the ambition to cooperate.[156]

As we can discern in the case of the EU, in recent years Eurosceptics have voiced critique about the fact that the EU supranationalism has gone too far,[157] since one seems to aim at the creation of a federal system within the EU.[158] This means that the shortcomings of intergovernmentalism cannot be mitigated by a blind acceptance of supranationalism. Supranationalism has, of course, shown to be more effective than intergovernmentalism in the context of regional integration for the sake of the creation of an internal market, but this should be kept distinct from and not be confused with the furtherance of organizations that tend to adopt federalist or confederate forms of cooperation. In short, both intergovernmentalism and supranationalism have advantages and disadvantages, but our (comparative) case study has shown that supranationalism tends to be *de facto* more effective than intergovernmentalism. However, this inference has to be taken with a grain of salt, because there are many other factors that play an imperative role in the success of a regional cooperation, such as the national politics and policies, governmental forms and political institutions and the (historical) relationships between the countries involved. What is more, both supranationalism and intergovernmentalism can take different shapes and forms and evolve gradually. This means that there is not a black and white distinction, or 'one size fit all' that we can recommend as the best model for such a cooperation. With this in mind, what lessons can be taken for the Middle East in general and Israel with its neighbors in particular will be discussed in the next concluding part of this research.

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[154] Henry G. Schermers and Niels Blokker, *International Institutional Law* (Leiden: Brill, 2011).

[155] Paul Close, *The Legacy of Supranationalism* (Basingstoke: Macmillan, 2000), 76.

[156] "Intergovernmental and Supranational Stakeholders," EU Science Diplomacy, accessed May 25, 2023, https://www.s4d4c.eu/topic/3-2-2-intergovernmental-and-supranational-stakeholders/.

[157] Astrid Carrapatoso and Jürgen Rüland, *Handbook on Global Governance and Regionalism* (Cheltenham: Edward Elgar Publishing, 2022), 191.

[158] Eva Boka, "In search of European Federalism: A historical survey," *Society and Economy* 28, no. 3 (December 2006): 309–31.

3. Concluding Remarks

We have started this research with a contextual elucidation of Israel's history, which gave us a contextual understanding of this country and its relationship with its neighbors. As we have seen, this country has always been characterized by war and conflicts in the most tumultuous region in the world, the Middle East. While the rest of the world is mostly in a relative state of peace, Israel seems to be in a constant state of war. To change this situation, the present research has taken the task upon itself to find an alternative approach to the situation in this region, with the aim to bring about peace to this region and for this country. In so doing, the dominant paradigm that has underpinned the international relations and diplomacy has been studied, whereupon an attempt has been made to replace it with a totally new paradigm, that would provide us with a novice worldview with which we can approach international relations and diplomacy. Accordingly, we have formulated the following central question and subjected it to a thorough research: *to what extent is commerce a viable paradigm susceptible of replacing the warfare paradigm for achieving and attaining a feasible and perpetual peace in the Middle East in general and for Israel and its neighbors in particular*? For arriving at an answer to this question, we have split it into five sub-questions. This way, we have been able to thoroughly scrutinize every aspect of this question in order to not only answer it but also to show the viability and feasibility of the solution that this answer aims to provide.

The first sub-question that we have put to the test has been as to *what does the warfare paradigm entail in general and in the case of Israel in particular*? This is a theoretical question that we have answered by putting it into a broader (historical) perspective. In so doing, we have seen that the warfare paradigm has been in place since the ancient times and that only the emphasis put on different angles of it has differed throughout history. This means that we have always been entrapped in the vicious circle of this paradigm, the prime example of which is the case of Israel within the complex context of the Middle East. By taking the complex context of this region with its high numbers of casualties of (non-)state-based conflicts into consideration, we have inferred that the warfare paradigm is not the solution for bringing about peace to this region. Therefore, we have pondered the idea of shifting away from this paradigm and replacing it by a totally new notion, which would be more susceptible of realizing peace in this area. This led us to the second sub-question of our research, namely, *to what extent is it possible to supersede the entrapment in the vicious circle of the warfare paradigm*? The *raison d'être* behind this question has been the endeavor to not finally propose a solution that would be unrealistic and impractical. Hence, this question has been decisive for the continuation and relevance of our research. The answer to this question has shown that a shift in paradigm is perfectly possible. For doing so, we have inferred that we need to follow Thomas S. Kuhn in superseding the existing convention all together. This means that a shift away

from a paradigm based on warfare towards a paradigm based on commerce, as the new foundational paradigm of international relations, is needed.

The next step in determining the viability and feasibility of the notion of 'commerce', as the new paradigm for international relations, has been the third sub-question as to *what does the concept of 'commerce' entail in its political sense, as the possible alternative to the concept of 'war'?* In delving into this question, we arrived at the discovery that this notion is actually not new, but rather an idea that has been entertained by philosophers and statemen for a long period of time. However, there is a difference in our approach of this notion and the classical approach to it, since the old approach does not put this notion at the center of international relations. Hence, thus far, there has only been a sole awareness of the relevance of the notion of 'commerce' for international relations, but one had never aimed to apply it as the foundational paradigm of these relations. It has rather been additional and complementary to the warfare paradigm. Therefore, it has not been 'commerce' that had determine the course of world politics but warfare.

Whether 'commerce' can not only theoretically but also practically be the feasible solution is the question that still begs for a thorough empirical inquiry. This has led us to the fourth sub-question as to *how far is 'commerce' empirically a viable and feasible paradigm for the relationship between the states in the Middle East?* Before putting this question to the test, we have inquired into the current situation in order to determine whether there are any possible solutions at hand in this region. This quest led us to the recently concluded Abraham Accords, which we have analyzed, as regards to their viability for a shift in paradigm. We came, however, to the conclusion that also these accords fall short of such ambitions, for they too are based on defense and security and not on commerce. The practicality of this shift in paradigm has been assessed further based on a comparative case study. The final sub-question used for conducting this research has been: *what form and level of regional cooperation best incorporates the concept of 'commerce' as the foundational paradigm for a peaceful (co)existence with the states involved?* As aforesaid, not only a paradigm at a theoretical level is important for imagining peace among the states, but also the level and the form of cooperation between them is decisive for achieving this goal. Therefore, we have looked at different levels and forms of cooperation among states, being at the internal, regional, and bilateral levels. The first and the last levels are not the most practical ones for achieving peace in a regional context, whereas a regional cooperation can get a more width and depth for achieving such goals. For sustaining this, we have looked at two regional organizations: the EU and the ASEAN. We have studied and compared both to see which form and structure of cooperation in the field of commerce is more successful. First, we came to the discovery that integration has to take place gradually, like abolishing measures that can frustrate fair competition and free market. Second, we came to the finding that a supranational

cooperation is more successful than intergovernmental cooperations. Especially in case of the EU this form of cooperation has been the solution for preventing future wars on the European continent. This contextual background is interesting for Israel and its neighboring countries, for also they can rise from the ashes of wars and create a region of perpetual peace. This requires them also to deploy 'commerce' as the main paradigm of their cooperation, which they *de facto* need to construct in a supranational way. Since this is a huge step for the countries involved – because they need to relinquish part of their sovereignty – they can better follow the model of the EU in gradually building up this form of cooperation. Hence, the supranationalism can be said to be the best road to walk for Israel and its neighbors in building a peaceful regional organization. An intergovernmental cooperation cannot be recommended, as our comparative study of the ASEAN has shown that this will not lead to the desired perpetuality of peace and stability. For an intergovernmental cooperation would mostly remain as dead letters on paper and keep differences, fragmentation, diversity and disparity between the states intact.

However, the present research has only shown how viable and feasible the replacement of the warfare paradigm with the notion of 'commerce' is for achieving a permanent state of peace between neighboring countries in a hostile and competitive region. These findings are, as mere guidelines, not conclusive and decisive for guaranteeing a successful integration in a region, for such a cooperation requires more research also regarding other angles of that given cooperation. Hence, the success of a regional cooperation does not only depend on a shift in paradigm and a supranational cooperation, but also on other complex issues that often form the prerequisite of such a shift and cooperation. Prerequisite issues can stem from the national politics and policies, governmental forms and political institutions and the (historical) relationships between the countries involved, just to name a few. This is why also within the context of the EU we can find such prerequisites, such as the Copenhagen criteria.[159] For an accession to this union, this organization requires, namely, from its future members to have 'stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities, to have a functioning market economy and the ability to cope with competitive pressure and market forces within the EU, and to have ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the '*acquis*'), and adherence to the aims of political, economic and monetary union'.[160] The second condition is an economic one that the states in the Middle East can gradually work on without much difficulty, but the first and the last conditions are the ones that do not seem, at the first sight,

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[159] "Accession criteria (Copenhagen criteria)," EUR-Lex, accessed May 24, 2023, https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html.
[160] Ibid.

to be (easily) achievable in this region. The first condition is imperative for creating an internal market, but far from being realistic, at the moment, in the Middle East. The same goes for the last condition, for this requires a (partial) relinquishment of sovereignty for the sake of supranationalism. Although supranationalism is recommended for the cooperation between Israel and its neighbors in the Middle East, yet a process of building up of mutual trust between them is needed for achieving this goal. Nonetheless, these states can make a start by, indeed, making a shift in paradigm by commencing with the second condition and, meanwhile, working on the other two, just as the European countries have done that in order to arrive at the level of cooperation and perpetual peace that they are today.

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